

ORIGINAL

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION

In re:

RAYMOND T. HYER, JR.,

Debtor,

Chapter 11

Case No. 92-20777-BKC-RBR

In re:

GARDNER INDUSTRIES, INC.;  
GARDNER ASPHALT CORPORATION  
(NEW JERSEY);  
GARDNER INTERNATIONAL  
OPERATIONS LIMITED;  
GAC TRANSCO, INC.;  
GARDNER-OVERALL, INC.;  
GAC-TRUCKING CO., INC;  
AMERICAN LAVA COATINGS CORP.  
APOC OF COLORADO, INC.;  
ASPHALT PRODUCTS OIL CORPORATION;  
GARDNER ASPHALT COMPANY;  
GARDNER ASPHALT CORPORATION  
(DELAWARE);  
GARDNER ASPHALT CORPORATION  
OF DELAWARE  
GARDNER ASPHALT, INC.,

Debtors.

Consolidated Case Numbers

92-20779-BKC-RBR

92-20780-BKC-RBR

92-20781-BKC-RBR

92-20782-BKC-RBR

92-20783-BKC-RBR

92-20784-BKC-RBR

92-20785-BKC-RBR

92-20786-BKC-RBR

92-20787-BKC-RBR

92-30788-BKC-RBR

92-20789-BKC-RBR

92-20790-BKC-RBR

92-20791-BKC-RBR

JOINTLY ADMINISTERED

UNITED STATES OF AMERICA

Plaintiff,

v.

RAYMOND T. HYER, JR.; GARDNER  
ASPHALT CORPORATION; and EMULSON  
PRODUCTS COMPANY,

Defendants.

ADV. NO. 02-2067

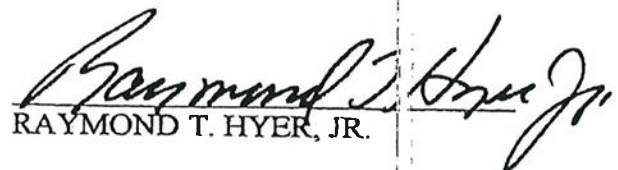
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**AFFIDAVIT OF RAYMOND T. HYER, JR. IN OPPOSITION TO  
UNITED STATES OF AMERICA'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

BEFORE ME, the undersigned authority, personally appeared, Raymond T. Hyer, Jr., who, first being duly sworn, deposes and says:

1. My name is Raymond T. Hyer, Jr. I am over the age of 21 years and make this affidavit based on my personal knowledge.
2. Prior to the time the litigation between the United States of America ("United States") and Gardner Asphalt Corporation commenced, I never saw – nor did anyone read me – either the original or a copy of the United States' Exhibit 9 to its motion for summary judgment, notwithstanding that it purports to be addressed to me. I do not believe it was even ever sent or delivered to me.
3. At no time in my life have I ever instructed or asked anyone to "bury" drums of any kind.
4. John Cannon was never a plant manager for any subsidiary of Gardner Industries, Inc.
5. I was at the Section 341 meeting of creditors in the above-referenced bankruptcy cases. No representative of the United States' Environmental Protection Agency appeared at the 341 meeting.
6. At no time in my life have I ever intended to harm or injure any piece of real property, and at no time in my life have I known that any activity requested or authorized by me would cause harm or injury to any piece of real property.

  
RAYMOND T. HYER, JR.

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SWORN TO AND SUBSCRIBED BEFORE ME this 24<sup>th</sup> day of August, 2002, by  
Raymond T. Hyer, Jr., who is personally known by me.

Catherine McEwen

Notary Public

Printed name:



Catherine McEwen  
My Commission CC933634  
Expires May 03, 2004

Catherine McEwen

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Attorneys for Raymond T. Hyer, Jr.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been by mail to  
the persons on the attached service list this 26<sup>th</sup> day of August, 2002.

Catherine McEwen

Attorney

ORIGINAL

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